



COUNTY OF LAKE

HEALTH SERVICES DEPARTMENT

Division of Environmental Health

Lakeport:

922 Bevins Court, Lakeport, CA 95453-9739

Telephone 707/ 263-1164 FAX: 263-1681

Lower Lake:

16185 Main Street, Lower Lake, CA 95457

Telephone 707/ 994-2257 FAX: 994-8950

James Brown
Health Services Director

Craig McMillan MD,
Health Officer

Raymond Ruminski, REHS
Environmental Health Director

September 25, 2007

JoAnn Jaschke
California Environmental Protection Agency
1001 I Street
Sacramento, CA 95814

Re; Deficiencies Status Report from 2006 CUPA Audit, Fourth Quarter 2007; and Annual CUPA Report 2006 – 2007

Enclosed you will find our quarterly status report on the deficiencies from our 2006 CUPA Audit. Also enclosed is our Annual CUPA Report for 2006 – 2007. As I reported last quarter, I am again covering the whole county by myself. I have even lost the technician that was helping. The tardiness of the Business Plan and Hazardous Waste inspections will not be improved in the foreseeable future. I will be going back to my previous priority of keeping up with Underground Storage Tank Program. The other programs, I have set priorities as following. If this progression is not acceptable, could you suggest an alternative?

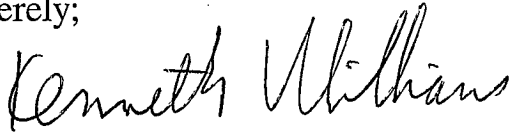
- 1) Underground Storage tanks
- 2) Potential Cal –ARP sites
- 3) Propane storage sites
- 4) Governmental facilities
- 5) Utilities
- 6) Above Ground Tank Storage
- 7) Hazardous waste as oil
- 8) Hazardous waste other than oil
- 9) Farms
- 10) Small Quantity Waste Generators

We have instigated a new fee schedule effective July 1, 2007 but we will not know the effect of the fees until Spring 2008. I hope the county will be able to bring on more help by January 2009, and again in 2010. There is a possibility of getting internal staff help by January 2008.

I am continuing to making progress in the Cal – ARP Program. I am still receiving Preliminary Risk Assessments and am reviewing them. More are in the process of being formulated. I anticipate by the end of the year to be able to assess most of them and come to some decisions.

If you have any questions please call me 707-263-1164.

Sincerely;

A handwritten signature in cursive script that reads "Kenneth Williams". The signature is written in black ink and is positioned below the word "Sincerely;".

Kenneth Williams, REHS
Hazardous Materials Specialist

Deficiencies and Corrective Actions

9-25-07

Deficiency #2: The CUPA is not remitting the state surcharge collected to the State.

CUPA Corrective Action: The State CUPA Program Surcharge payments of \$7,885.49 for the first three quarters of 2006, 7 were sent on or about April 13, 2007. The fourth quarter will be sent as soon as it is calculated; about January 2008.

Deficiency #3: As noted in the 2005 CUPA evaluation, the CUPA is not regulating all agricultural handlers under the Business Plan program.

CUPA Corrective Action: A list of Farms is continuing to be developed. They are being inspected as opportunity arises. This has not changed since the audit.

Deficiency #4: As noted in the 2005 CUPA evaluation, the CUPA is not meeting the triennial inspection frequency for the Business Plan program.

CUPA Corrective Action: This and number 10 are the same problem. This has not changed. It is anticipated that internal staff will be added by January 2008, new staff by January 2009, and another new staff in 2010.

Deficiency #5: As noted in the 2005 CUPA evaluation, the CUPA has not yet conducted preliminary risk determinations for potential Table 3 CalARP facilities.

CUPA Corrective Action: Twenty - five potential Cal – ARP facilities have now been notified to submit a Preliminary Risk Assessment in 2007 or submit a full Cal – ARP plan by the end of 2007. The Preliminary Risk Assessments will be reviewed and evaluated as they come in. We have gotten several in but there are some stragglers. A second notice to comply is being sent, to have these sent in. Four PRA have been received and reviewed, two have discontinued use of CL2.

Progress is continuing.

Deficiency #6: As noted in the 2005 CUPA evaluation, most of the inventory forms in the files reviewed are incomplete and/or outdated.

CUPA Corrective Action: This same action is also being taken for number 9. These are reviewed as part of our normal inspection process. As deficiencies are found in the inventory and the site map they are required to be updated. When compliance is accomplished a Return To Compliance note is made to the original inspection report. Until compliance is made, follow – up contact is done.

This agency updates the inventories every year with each of the CUPA facilities. We do this at the time of billing when we send, with the invoice, a letter for the facility to certify the old Business plan for any changes. (see enclosed form) If there are any changes, the facility submits the change in the inventory or the business plan last submitted. (see enclosed form) This is followed up by correspondence until complete. The “updating” that was spoken about in the report to you last, is a verification that the inventory, that was last submitted or certified that year, is in fact still correct. I believe this should be satisfactory to comply with deficiency #6. If it is not, please respond back as to how we can improve this.

Deficiency #8: The emergency response plan in 6 of the 9 Business Plan files reviewed did not contain instructions to notify the State Warning Center (OES) in the event of a hazardous materials release.

CUPA Corrective Action: This County has been using the Unidocs Emergency Response Contingency Plan format for the last several years. On page #2 of this plan, on point number 4, letter a, sub number v, are the instructions to notify the State OES. As we are inspecting facilities this year, to get caught up with the tri – annual schedule, these plans are updated using this format. As follow – up contact is made and compliance is obtained a Return To Compliance is noted in the file.

Deficiency #9: UST plot plans reviewed did not contain all the required elements or were missing.

CUPA Corrective Action: See response number 6.

Deficiency #10: With the increase in hazardous waste facilities, the CUPA is not meeting their inspection frequencies.

CUPA Corrective Action: see response number 4.

Deficiency #12: As noted in the 2005 CUPA evaluation, the CUPA has exempted heating fuel from the Business Plan program without following the exemption process.

CUPA Corrective Action: We have now received Fire Department Chief's buy in on the exemption of business heating fuel from the Business Plan requirements. We are now seeking to schedule the Public Hearing process. with the County Board of Supervisors

CERTIFIED UNIFIED PROGRAM AGENCY
ANNUAL REPORT 2006 - 2007

08-29=07 klw



County of Lake Health Services Department
Environmental Health Division

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Lakeport, CA 95453
707-263-1164 x 225

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COUNTY OF LAKE CUPA PROGRAM 2006 - 2007

08-29=07 by klw

INTRODUCTION

The County of Lake Health Services, Environmental Health Division operates the Unified Program with no Participating Agencies (PA). Environmental Health was certified as the CUPA for Lake County on May 16, 1996.

The local program is based on the regulator's relationship with the business owners and the operators. Frequent inspections by trained, competent field inspectors are emphasized. Inspectors are used to educate and increase safety awareness, to document violations, and to develop enforcement cases. The goal is compliance with statutes and regulations for the CUPA program.

SUMMARY OF CUPA PROGRAM

The 2006 – 2007 inspection year was a year that started with very high hopes with the addition of Teale Love as a part time inspector. Teale was an experienced inspector from the city of Healdsburg. Much progress was made in program development and management. Inspection frequencies were anticipated to be finally met.

But in August 2006 Rich Lyon was reassigned to other Environmental Health programs, and the year ended with the loss of Teale Love due to budget cuts. This has left Ken Williams again as the sole Hazardous Materials inspector.

In July an Environmental Health Technician, Julie Pimentel, was assigned to help part time (one day per week) in the CUPA program. But in September she opted out of the program and will only be helping in special projects.

In July 2007 a new fee ordinance took effect that more than doubles the monetary intake to the CUPA programs. It is anticipated that in January 2008, 2009 and 2010 new full time CUPA staff may be added.

In the year 2006 – 2007, 33 of 33 UST facilities were inspected and compliance reviewed. One old temporarily closed UST facility had it's tanks removed. "Significant Operational Compliance" was reviewed for each, with notes regarding "Release Detection and Prevention". Secondary Containment testing is progressing for those sites that are due. Ken Williams, who is the acting program manager and sole CUPA inspector, is ICC certified. (ICC #5263372-UI, expiration July 27, 2009)

Although significant progress was started in bringing facilities into a tri-annual inspection schedule, without additional help this will not be continued. There were 130 total hazardous waste and business plan inspections made this year. Of these facilities 68 have returned to compliance with the rest being followed up until compliance is made. The noting of Class I, II, and minor violations have been added to the UST inspection reports. The county is still progressing with developing a list of Farms and Small Quantity Waste Generators that fall under the CUPA program. These will be inspected as time allows and personnel increases.

The Above Ground Tank program from the beginning has been part of the Business Plan inspection program. The county has three active SPCC plan sites for above ground bulk fuel storage, and 36 smaller sites that have been notified that SPCC plans are required. These are being received and referrals to the State have been made.

Potential CAL – ARP sites have been notified to submit a “Preliminary Risk Assessment” in order to identify the need for a Risk Management Plan. There are about 28 sites that have been identified as needing a Preliminary Risk Assessment. There are three of these that have been notified to submit a Cal-ARP Plan in the next year. The others are sites that are above the state threshold level but below the federal level. The most common of these sites have Chlorine Gas storage at water and waste water treatment plants and for a few Ammonia storage sites at fruit packing sheds. Review and evaluation of these plans are being done using the state guidance document format.

A CUPA Program Self Audit was completed in August 2007 using the State format.

SUPPLEMENTARY INFORMATION REQUESTED FOR 2008 ANNUAL REPORT:

1) NUMBER OF INSPECTORS: 1

2) NUMBER OF TECHNICAL STAFF: 0

3) NUMBER OF SUPPORT STAFF: ¼

4) NUMBER OF MANAGERS / SUPERVISORS THAT ARE NOT TECHNICAL STAFF OR INSPECTORS: 1 (Director of Environmental Health)

ANNUAL SELF AUDIT OF CUPA PROGRAMS 2006 - 2007

SUMMARY OF FINDINGS:

1. SELF AUDIT STANDARD: A self audit was done August 9, 2007
2. PARTICIPATING AGENCIES:
There are no participating agencies in County of Lake
3. SINGLE FEE PROGRAM
There is in place a single fee program in the County of Lake fee ordinance
4. LOCAL ORDINANCE, RESOLUTIONS OR AGREEMENTS CHANGES
There have been no changes in the local ordinances, resolutions or agreements as it pertains to the Unified Program. On July 26, 2007 a Lake County ordinance was revised to update all Environmental Health Fees, including the CUPA Programs.
5. NEW PROGRAMS ADDED TO THE UNIFIED PROGRAM
There have been no new programs added.
6. FEE ACCOUNTABILITY PROGRAM
There is a fee accountability program in place that keeps account of time spent on each program and equipment used. These funds are reviewed annually and updated as needed
7. SELF AUDIT AND OTHER PERFORMANCE STANDARDS SATISFIED?
8. The compliance rate for Class 1 violations is 100% since as much time as is needed is provided at each inspection to provide immediate compliance. The majority of other violations seen are also corrected at the time of the inspection and are of a minor class. **Other "Minor" violations, not corrected at the inspection, are given 30 days to "Return To Compliance" and follow up inspections are made for most to confirm compliance. Minor violation past due are pushed up to Class II and a "Notice to Comply" letter sent.**
9. Our permitting, inspection and informal enforcement programs are effective, as reflected in the high rate of compliance for Class I Violations, and only a few minor violations needing to be pushed up to Class II.
10. Environmental Health administers the entire CUPA program thus providing excellent consistency and coordination.
11. One Underground storage tank enforcement action was taken in 2003 – 2004, and none were done in 2005 - 2006, and one site was Red Tagged in 2006 – 2007.
12. PROGRAM INSPECTION SUMMARY: In fiscal year 2006 - 2007 County of Lake, Division of Environmental Health performed:
 - A) Business Plan – 324 total sites. 130 sites were inspected for business plan and hazardous waste compliance, 33 which were UST). The goal for the program is to inspect every site on a tri-annual basis, but this will only be possible with the addition of personnel to the CUPA Program.
 - B) Underground Storage Tank – 33 of 33 received an annual inspection
 - C) Hazardous Waste Generator – sites are inspected with business plan

- D) Hazardous Waste Treatment = 0 sites (there are 6 silver recovery and recycling sites)
- E) Above Ground Storage Tank – 97 SITES (INSPECTION IS DONE WITH BUSINESS PLAN, SPCC plan may be required at 39 facilities - 2 have been submitted to Lake County and to the State (all for above ground storage over 1320 gallons in tanks)
- F) Cal-ARP – Facilities are being evaluated by requiring at least a “Preliminary Risk Assessment” in order to identify the need for a Risk Management Plan. There are about 28 sites. Three existing facilities have quantities requiring a RMP being over the Federal threshold reporting requirements. A review is being done of the 25 remaining sites using the state guidance document. These are sites less than the federal threshold level but more than the state level. The sites in question have either chlorine gas or ammonia gas.

13) CUPA Program Plan was updated in 2006

14) Hazardous Materials Area Plan was updated in 2006. This was merged into the Lake County All Hazards Emergency Response Area Plan.

RESPONSE TO DEFICIENCIES FROM OCTOBER 2006

STATE CUPA AUDIT

August 9, 2007 klw

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Report 2

ANNUAL SINGLE FEE SUMMARY REPORT

27 CCR § 15290

Completed By: KENNETH WILLIAMS

Date Submitted: 9-2007

Telephone

707-263-1164 ext#225

Fiscal Year: 2006-2007

CUPA:

COUNTY OF LAKE

	Total amount of single fee billed	Total amount of single fee waived	Total amount of single fee collected	Total amount of single fee still owed Pas	
SINGLE FEE	86,907.00	423.00	82,294.00		
	Amount of single fee billed for Pas	Total amount of single fee collected for Pas	Total amount of single fee remitted for Pas	Total amount of single fee still owed Pas	
PARTICIPATING AGENCIES	0	0	0	0	
SURCHARGE	Total amount of surcharge billed	Total amount of surcharge waived	Surcharge collected	Total collections remitted to State	Total Amount owed to State
CUPA Oversight	7,296.00	0	6,851.50	6,466.49	0
CalARP	0	0	0	0	0
UST	1,530.00	0	1,530.00	1,419.00	0
SURCHARGE TOTALS	8,826.00	0	8,381.50	7,885.49	0

COUNTS*					
Total Regulated Businesses	301	Underground Storage Tanks	143	Underground Storage Tank Facilities	33
Permit by Rule	0	Conditional Authorization	0	Conditional Exemption	0
CalARP Program - Total Stationary Sources	28 potential sites	Total Businesses Subject to CalARP Program Surcharge	4 will be charged for the first time in the next cycle	Total Stationary Sources Granted a RMP Waiver Determination	0

* The Report 2 counts of regulated businesses should be consistent with the counts shown on Report 3.

Report 3

ANNUAL INSPECTION SUMMARY REPORT

27 CCR § 15290

Completed By: KENNETH WILLIAMS

9-2007

Fiscal Year: 2006-2007

Date Submitted:

CUPA:

COUNTY OF LAKE

INSPECTION SUMMARY

PROGRAM ELEMENTS	1 No. of Regulated Businesses *	2 No. of Regulated Businesses Inspected	3 No. of Routine Inspections	4 No. of Routine Inspections That Returned to Compliance within Established Standard	5 No. of Other Inspections
A. Hazardous Materials Release Response Plans (HMRRP)	301	130	130	68	177
B. California Accidental Release Prevention (CalARP)	4	2	2	0	130
C. Underground Storage Tank (UST) Facilities	33	33	33	15	31
D. Aboveground Petroleum Storage Tank (AST) Facilities		50			
E. Hazardous Waste Generators (All)	301	130	130	68	194
F. RCRA Large Quantity Generators (LQG) (a subset of E)	0	0	0	0	0
G. Recyclers	4	1	1	1	3
H. Onsite Hazardous Waste Treatment (PBR, CA, CE)	0	0	0	0	0
I. Permit by Rule (PBR)--Household HW (HHW)	12 days per year ?	0	0	0	0

INDICATORS OF INSPECTION CONSOLIDATION BY INSPECTION CATEGORY:

	6 No. of Inspections
K. Combined Routine Inspections (BP, UST, WASTE, ---)	130
L. Joint Agency Inspections (FIRE, STWB, DTSC, BUODING, PUBLIC WORKS,)	2
M. Integrated or Multi-Media Inspections (FOOD, WATER, SPCC, AIR, FIRE CODE, VECTOR)	130

OTHER INFORMATION	7 No. of Audits
N. CalARP Program--Risk Management Plan Audits	0

* The Report 3 counts of regulated businesses should be consistent with the counts shown on Report 2.

Report 4

ANNUAL ENFORCEMENT SUMMARY REPORT

27 CCR § 15290

Completed By: KENNETH WILLIAMS

9-2007

Fiscal Year: 2006 - 2007

Date Submitted:

CUPA:

COUNTY OF LAKE

VIOLATIONS INFORMATION					ENFORCEMENT ACTIONS TAKEN						
PROGRAM ELEMENTS	No. of Facilities with Violation Type				5 No. of Informal Enforcement Actions	6 Total No. of Formal Enforcement Actions Initiated within 135 Days of Inspection or Determining Violation (Class I or Class II only, excluding minor)	7 No. of Administrative Enforcement Actions	8 No. of Civil Enforcement Actions and Referrals	9 No. of Criminal Enforcement Actions and Referrals	10 Total Fines/ Penalties Assessed	11 Total Fines/ Penalties Collected
	1 Class I	2 Class II (excluding minor)	3 Minor	4 Other							
A. Hazardous Materials Release Response Plans (HMRRP)				130	130		0	0	0	0.00	0.00
B. California Accidental Release Prevention (CalARP)				2	2			0	0	0.00	0.00
C. Underground Storage Tank (UST) Facilities				33	33			0	0	0.00	0.00
D. Aboveground Petroleum Storage Tank (AST) Facilities											
E. Hazardous Waste Generators (All)	0	0	130		130	0	0	0	0	0.00	0.00
F. RCRA Large Quantity Generators (LQG) (a subset of E)	NA	NA	NA		NA	NA	NA	NA	NA	NA	NA
G. Recyclers	0	0	1		1	0	0	0	0	0.00	0.00
H. Onsite Hazardous Waste Treatment (PBR, CA, CE)	0	0	1		1	0	0	0	0	0.00	0.00
I. Permit by Rule (PBR) --Household HW (HHW)	0	0	0		0	0	0	0	0	0.00	0.00